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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,671	08/18/2004	Johnny Keith Endicott		5998

7590 07/09/2007
Johnny Keith Endicott
P.O. Box 214
Allen, KY 41601

EXAMINER

TRAN LIEN, THUY

ART UNIT	PAPER NUMBER
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1761

MAIL DATE	DELIVERY MODE
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07/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/777,671

Applicant(s)

ENDICOTT, JOHNNY KEITH

Examiner

Lien T. Tran

Art Unit

1761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

This application does not contain an abstract of the disclosure as required by 37

CFR 1.72(b). An abstract on a separate sheet is required.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

The application contains drawings; however, there are no description of the drawings in the specification. Description of the drawings and a brief description of the drawings are required in application containing drawings. Also, the figure numbers

need to be different. For example, applicant can number Figure 1 A, 1B etc.; but the different figures cannot be labeled as figure 1 three times.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is vague and indefinite. It is not known what applicant is trying to claim. What category of invention the claim is directed to. Is applicant claiming a process, a product, a composition or what?. There is no structure, no processing step, no ingredient or composition recited in the claim. The claim is not recited in a standard US claim format. The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Enclosed with this office action is an example of claims in US patent no 6753025. It is suggested that applicant looks at the patent to know the proper claim format and how the claims are written.

An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon

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skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

A listing of registered patent attorneys and agents is available on the USPTO Internet web site <http://www.uspto.gov> in the Site Index under "Attorney and Agent Roster." Applicants may also obtain a list of registered patent attorneys and agents located in their area by writing to the Mail Stop OED, Director of the U. S. Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by the recipes on Low Carb Pizza.

The claim is so vague and indefinite that is not known what applicant is trying to claim. To the best of the examiner's interpretation of the claim, applicant is claiming a low-carb pizza which does not have crust made of flour base.

The recipe for " Deep Dish Pizza" discloses a pizza in which the crust does not contain flour and is made of cheese.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lien T. Tran whose telephone number is 571-272-1408. The examiner can normally be reached on Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hendricks Keith can be reached on 571-272-1401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

July 5, 2007


LIEN TRAN
PRIMARY EXAMINER


US-PAT-NO: 6753025

DOCUMENT-IDENTIFIER: US 6753025 B1

TITLE: Method of making pizza

DATE-ISSUED: June 22, 2004

INVENTOR-INFORMATION:

NAME	CITY	STATE	ZIP CODE	COUNTRY
Tippmann; Eugene R.	Ft. Wayne	IN	46845	

US-CL-CURRENT: 426/94; 426/275, 426/283, 426/296

CLAIMS:

We claim:

1. A method of preparing a pizza comprising the steps of: forming a pizza shell; applying a predetermined quantity of sauce to an upper surface of said pizza shell to form a pizza base; cooking said pizza base at a first predetermined temperature for a first predetermined time period; maintaining said sauce in an uncoagulated state during cooking of said pizza base; cooling said pizza base for a predetermined time period; applying a predetermined quantity of pizza toppings; and further heating said pizza base having said predetermined quantity of sauce and said predetermined quantity of pizza toppings thereon at a second predetermined temperature for a second predetermined time period.
2. The method as defined in claim 1, wherein said step of applying a predetermined quantity of sauce to an upper surface of said pizza shell includes applying said sauce to a central region of said pizza shell.
3. The method as defined in claim 1, wherein said first predetermined time period is in a range of 5-15 minutes.
4. The method as defined in claim 1, wherein said first predetermined temperature is in a range of 300.degree. F. to 500.degree. F.
5. The method as defined in claim 1, wherein said second predetermined time period is in a range of 1-10 minutes.
6. The method as defined in claim 1, wherein said second predetermined time period is in a range of 4-6 minutes.
7. The method as defined in claim 1, wherein said second predetermined temperature is in the range of 200.degree. F. to 500.degree. F.
8. The method as defined in claim 1, wherein said pizza toppings are selected from a group consisting of additional pizza sauce, cheese, sliced meats, cooked meats, ground meats, vegetables and spices.
9. The method as defined in claim 8, wherein said pizza toppings are of a predetermined combination and are fused together to form a pizza disk to be applied to said pizza base.

10. A method of preparing a pizza comprising the steps of: forming a pizza shell; applying a predetermined quantity of sauce to an upper surface of said pizza shell to form a pizza base; cooking said pizza base at a first predetermined temperature for a first predetermined time period; maintaining said sauce in an uncoagulated state during cooking of said pizza base; cooling said pizza base for a predetermined time period; applying a predetermined quantity of pizza toppings including at least one of cheese, meat and vegetables to form a completed pizza; refrigerating said completed pizza; and heating said completed pizza having said predetermined quantity of sauce and said predetermined quantity of pizza toppings thereon at a second predetermined temperature for a second predetermined time period.

11. The method as defined in claim 10, wherein said step of applying a predetermined quantity of sauce to an upper surface of said pizza shell includes applying said sauce to a central region of said pizza shell.

12. The method as defined in claim 10, wherein said first predetermined time period is in a range of 5-15 minutes.

13. The method as defined in claim 10, wherein said first predetermined temperature is in a range of 300.degree. F. to 500.degree. F.

14. The method as defined in claim 10, wherein said second predetermined time period is in a range of 1-10 minutes.

15. The method as defined in claim 10, wherein said second predetermined time period is in a range of 4-6 minutes.

16. The method as defined in claim 10, wherein said second predetermined temperature is in the range of 200.degree. F. to 500.degree. F.

17. The method as defined in claim 10, wherein said pizza toppings are selected from a group consisting of additional pizza sauce, cheese, sliced meats, cooked meats, ground meats, vegetables and spices.

18. The method as defined in claim 17, wherein said pizza toppings are of a predetermined combination and are fused together to form a pizza disk to be applied to said pizza base.

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